

Lynne H. J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
LEON ST. CLAIR NATION,

Plaintiff,  
- against -

THE CITY OF NEW YORK, THE NEW YORK CITY  
DEPARTMENT OF BUILDINGS, AND PATRICIA J.  
LANCASTER,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 4/22/08

**STIPULATION  
AND ORDER OF  
DISMISSAL**

08 CV 00862 (GEL)

WHEREAS plaintiff Leon St. Clair Nation commenced this Section 1983 action by filing a complaint on January 24, 2008 against the City of New York, the New York City Department of Buildings, and Patricia J. Lancaster, Commissioner of the Department of Buildings; and

WHEREAS plaintiff Leon St. Clair Nation commenced an Article 78 proceeding in New York State Supreme Court on April 3, 2008 against the New York City Department of Buildings, the New York City Office of Administrative Trials and Hearings, and Patricia J. Lancaster, Commissioner of the Department of Buildings; and

WHEREAS plaintiff and defendants do not wish to litigate this matter simultaneously in two courts; and

WHEREAS plaintiff's claims can be fully addressed in the State Court proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties herein, as follows:

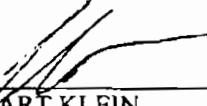
1. Pursuant to FRCP Rule 41(a)(1), the above-captioned action is hereby dismissed, without prejudice, as to all claims between the parties relating to this matter, including claims for costs, expenses, and attorneys' fees.

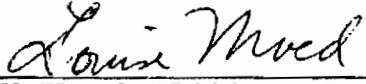
2. Nothing contained herein shall be deemed to be an admission by the City that it or any of its agents have, in any manner, violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. Plaintiff acknowledges that neither the filing of the complaint in this action, nor the voluntary dismissal of this action, are evidence of wrongful conduct on the part of the City or on the part of any present or former employees of the City.

3. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant action shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

IT IS HEREBY FURTHER STIPULATED AND AGREED that the parties request that this Stipulation and Order be submitted to the Court to be "so ordered," filed, and docketed without any further notice to any party.

Dated: New York, New York  
April 18, 2008

  
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SO ORDERED:

  
THE HON. GERARD E. LYNCH

U.S.D.J.

  
4/22/08